

Category A: Debris Removal

Eligible debris removal activities include the clearance of:

- trees and woody debris;
- building wreckage;
- sand, mud, silt, and gravel;
- vehicles; and
- other disaster-related material.

To be eligible for public assistance, such activities must be necessary to do one of the following:

- eliminate immediate threats to lives, public health and safety;
- eliminate immediate threats of significant damage to improved public or private property; or
- ensure economic recovery of the affected community to the benefit of the community-at-large.
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The term “immediate threat” is described in detail on page 50 under Category B: Emergency Protective Measures.

In general, debris on public property that must be removed to allow continued safe operation of governmental functions or to alleviate an immediate threat is eligible. Debris that is blocking streets and highways is a threat to public health and safety because it blocks passage of emergency vehicles or it blocks access to emergency facilities such as hospitals. Debris in a natural stream or flood channel may cause flooding from a future storm. If such flooding would cause an immediate threat of damage to improved property, removal of the debris only to the extent necessary to protect against an immediate threat would be eligible. However, not all public property clearance will necessarily be eligible. Removal of fallen trees in an unused forested or wilderness area would not be eligible.

Where temporary levees have been constructed as an emergency protective measure, removal of them will be eligible only to protect public health and safety or to protect improved public or private property. “Improved property” is defined as a structure, facility, or item of equipment that was built, constructed, or manufactured. It does not include land improved for agricultural use.

Debris on private property is treated somewhat differently. Debris removal from private property is the responsibility of the individual property owner aided by insurance settlements and assistance from volunteer agencies. Many homeowner fire and extended coverage insurance policies have specific coverage for debris removal and for demolition of heavily damaged structures. FEMA assistance is not available to reimburse private property owners for the cost of removing debris from their property; however, an eligible local or State government may pick up and dispose of disaster-related debris placed at the curb by those private individuals. This type of work must be carefully controlled with regard to extent and duration. If debris on private business and residential property is so widespread that public health, safety, or the economic recovery of the community is threatened, the actual removal of debris from the private property may be eligible. In such situations, the work normally must be done, or be contracted for, by an eligible applicant. If the local government and the State are both incapable of arranging for the work to be done, direct Federal assistance may be requested. Direct Federal assistance is discussed in more detail on page 60 of this guide.

Debris removal from private property shall not take place until the State or local government has agreed in writing to indemnify FEMA from a claim arising from such removal and obtained unconditional authorization to remove the debris from the property. Debris removal from agricultural land is not eligible.

Debris cleared from roads and highways, including the travel lanes and shoulders, roadside ditches and drainage structures, and the maintained right-of-way, may be eligible. For facilities

being repaired under the FHWA's ER Program (see page 19), the debris would be removed as part of that work. However, when the ER Program is activated for an area, FHWA assistance is granted only for portions of the road actually damaged by the disaster; therefore, debris on undamaged sections of highway may be eligible for FEMA assistance.

The removal of debris from parks and recreational areas used by the public is eligible when it affects public health or safety or proper utilization of such facilities. Trees frequently constitute a large part of debris in these areas. Normally, trees requiring removal are flush cut at the ground. Stump removal is not eligible unless it is determined that the stump itself poses a hazard, as when the tree has been uprooted. When eligible, stump removal will be accomplished by the most economical means, such as grinding.

Snow removal assistance is described on page 52 under Category B: Emergency Protective Measures.

Category B: Emergency Protective Measures

Emergency protective measures are those activities undertaken by a community before, during, and following a disaster that are necessary to do one of the following:

- eliminate or reduce an immediate threat to life, public health, or safety; or
- eliminate or reduce an immediate hazard that threatens significant damage to improved public or private property.

In general, emergency protective measures must be cost-effective to be eligible. Generally, those prudent actions taken by a community to warn residents, reduce the disaster damage, ensure the continuation of essential public services, and protect lives and public health or safety are eligible for assistance. The following list provides examples of activities that may be eligible. Such activities should be evaluated to ensure that the above criteria are met.

- Search and rescue.
- Emergency medical care. Emergency mass care and shelter when such cannot be provided by volunteer agencies. If the applicant's facilities are used by the volunteer agency to provide this care, actual expenses incurred by the applicant, such as supplies or cleanup labor, would be eligible. Expenses of PNPs for providing these services are not eligible because their services are generally charitable in nature.
- Security in the disaster area to include alerting the public of dangers by setting up barricades or other warning devices. Labor, equipment, and materials used in these activities are eligible.
- Provision of food, water, ice, and other essential needs at central distribution points for use by local citizens.
- Provision of temporary facilities for essential community services. Examples include construction of a temporary bridge or detour road to replace an essential crossing facility, temporary hookup of utilities, and essential temporary buildings for schools or government offices. Eligibility criteria for temporary relocation are outlined on page 31.
- Activation of a State or local emergency operations center to coordinate and direct the response to a disaster event. Costs must be associated with a time frame related to circumstances justified by the nature of the emergency or disaster. Often an emergency operations center is used to direct response activities for a period of time, and then its primary activity shifts to managing the Federal assistance. Because the Stafford Act places limitations on reimbursement for the costs of administering the Federal grant, the applicant should make every effort to keep track of which duties are being performed by the center's personnel.
- Demolition and removal of damaged public and private buildings and structures that pose an immediate threat to the safety of the general public. The threat must be identified by local

officials and verified by State and Federal officials. Buildings that were condemned as a safety hazard before the disaster are not eligible.

- Removal of health and safety hazards. Such activities may include the following:
 - disposal of dead animals;
 - pumping of trapped floodwaters;
 - pumping of flooded basements, but only if there is a widespread need affecting numerous homes and businesses in the community;
 - pumping of septic tanks or decontamination of wells, but only if there is a widespread pollution problem; and
 - vector control of rodents or insects when there is a serious health hazard, but not when they are merely a nuisance. Verification of the threat by the Federal Centers for Disease Control may be required.
- Construction of emergency protective measures to protect lives or improved property to include the following:
 - temporary levees, berms, dikes, and sandbagging by itself or on top of a levee;
 - buttressing, bracing, or shoring of a damaged structure to protect against further damage to the structure, or to protect the general public;
 - emergency repairs to protective facilities (work is limited to that which would provide protection from a 5-year event or would restore the facility to its pre-disaster design, whichever is less); and
 - placement of sand on a beach to serve as protection of improved property from waves and flooding (the same criteria regarding the level of protection, as discussed above, apply).
- Emergency measures to prevent further damage to the facility. Boarding windows or doors and covering the roof are examples of this work.
- Restoration of access. If a privately owned access (such as a driveway, road, or bridge) is damaged, funds for restoration of this access may be eligible either under FEMA's Individual Assistance Program or FEMA's Public Assistance Program. In cases where homes are inaccessible as a result of the damage, PA Program funds may be used to establish emergency access when the work is done by an eligible applicant.

The PA Program staff should coordinate with the Human Services staff to eliminate duplication of effort and funds. The term "immediate threat" used in the above criteria describes the threat of damage from an event that could reasonably occur within 5 years. The following are examples of how this definition applies to various disaster scenarios.

For a flood, the immediate threat exists if a 5-year flooding event could cause damage or threaten lives, public health, and safety. This is not a flood that necessarily happens within 5 years, but a flood that has a 20 percent chance of occurring in any given year.

For a landslide, an immediate threat may exist if the earth on a slope could slide as the result of a moderate amount of rainfall. A geotechnical study may be necessary to determine if an immediate threat exists.

For an earthquake, an immediate threat may exist if moderate ground shaking, such as might be expected during an aftershock, could cause further damage to a structure or threaten the safety of the structure's occupants.

For a hurricane, an immediate threat may exist if a facility damaged by storm surge could be exposed to additional flooding from a subsequent 5-year event. Similarly, if a wind-damaged facility is subject to additional damage by moderate winds, such winds could be considered an immediate threat.

Other Types of Emergency Work.

Specific eligibility criteria may also apply to the provision of emergency communications, public transportation, building inspections, and snow removal.

These criteria are defined as follows.

Emergency Communications. The communications system in a local community may be damaged by a disaster to the extent that the local officials are unable to carry out their duties of providing essential community services or responding to the disaster. If this is the case, the establishment of a temporary emergency communications system may be eligible for assistance. This would most often take the form of a mobile radio system or cellular telephones, if the area is served by a cellular system.

Such a system is meant to supplement the portion of the community's communications that remains operable, not to replace or expand the pre-disaster system. The community is expected to repair the damaged system on an expedited basis so that the assistance can be terminated when there is no longer an emergency need.

Emergency Public Transportation. The essential portions of a community's transportation system may be damaged by a disaster to such an extent that the vital functions of community life are disrupted. This situation may involve damage to buses, a subway system, or a bridge between two sections of the city. For some of these damaged facilities, replacement with temporary facilities may provide the solution. In other situations, there may not be a specific damaged facility, but there is still a need to supplement existing transportation.

This condition may result from temporary changes in the location of government facilities or residential areas or a need to access different shopping areas. The supplemental system must be required to ensure access to public places, employment centers, post offices, and schools so that a normal pattern of life may be restored as soon as possible.

Alternative means of providing transportation, such as extra buses or trains or new bus routes, may be eligible. The damaged facilities should be restored, or the need for supplemental transportation should be addressed, as soon as possible so that the assistance can be terminated when there is no longer an emergency need.

Building Inspection. Safety inspections that are necessary to establish if a damaged structure poses an immediate threat to life, public health, or safety after a disaster are eligible. Inspections associated with the reconstruction effort and normal building regulation enforcement process are not eligible, because these inspections go beyond the scope of a safety inspection.

Snow Removal. Snow removal assistance may be eligible for public assistance provided that:

- the snowfall is of record or near record amount;
- the response is beyond the State and local government capabilities; and
- the action is necessary to save lives, protect public health and safety, and protect improved property.

Heavy snowfall over an extended period of time, severe winds and extraordinary drifting, extraordinary ice formations, and the cumulative effect of snow on the ground may be the basis for assistance when the snow depth does not meet the record amount but approximates it.

Snow removal assistance will be provided for a 48-hour period to address the most critical emergency needs. The 48-hour period for snow removal assistance may begin at a time other

than when the storm actually began. Each applicant will designate the beginning of its 48-hour period.

Category C: Roads and Bridges

Roads, bridges, and associated facilities are eligible for public assistance. For roads (paved, gravel, and dirt), eligible items include:

- surfaces;
- bases;
- shoulders;
- ditches;
- drainage structures; and
- low water crossings.

For bridges, eligible items include:

- decking and pavement;
- piers;
- girders;
- abutments;
- slope protection; and
- approaches.

Only repairs to disaster-related damage are eligible. In some cases, it may be possible to review pre-disaster bridge inspection reports to determine if damage to a bridge was present before the disaster. As discussed on page 20, permanent restoration of any facility, whether it is a road, bridge, or auxiliary structure, that falls under the authority of the FHWA is not eligible for public assistance. Other examples of ineligible facilities include roads that service USACE or NRCS levees and dams, private and commercial roads, and homeowners' association roads.

For Category C work, upgrades necessary to meet current standards for road and bridge construction, such as standards for pavement and lane width, may be eligible for public assistance. However, FEMA will not fund construction of additional lanes because such work is beyond that necessary to restore the pre-disaster capacity of the facility.

Landslides. Specific eligibility criteria also apply to slope failures and washouts that are considered landslides. A landslide occurs when a mass of soil, rock, or other material on a slope moves, or threatens to move due to adjacent slope failure, as a result of the disaster. Such slope failures may be caused by soil saturation or by erosion. Stabilization or restoration of failed slopes is only eligible in the situations described below.

Emergency work: If a disaster-related landslide poses an immediate threat to life, public health, and safety, or improved public or private property, cost-effective measures for reducing the threat may be eligible. Examples include evacuation, excavation, buttressing, de-watering, modification of surface drainage, and grading. Such measures must be temporary in nature. Public assistance will be provided to address the area of the immediate threat only, not to stabilize the entire hillside.

Permanent work: If a landslide damages an eligible facility, repairs to that facility are eligible as long as the site is stable. The replacement of a reasonable amount of natural ground necessary to support the facility is eligible. However, if the site was unstable before the disaster, the applicant must pay to stabilize the site before public assistance funds are provided to repair the facility. In some cases, the stability of a site cannot be determined through visual inspection, and a geotechnical study to determine the existence of instability may be necessary. The cost of such a study may be eligible for public assistance.

Category D: Water Control Facilities

Water control facilities include:

- dams and reservoirs;
- levees;
- lined and unlined engineered drainage channels;
- shore protective devices;
- irrigation facilities; and
- pumping facilities.

Restoration of the carrying capacity of engineered channels and debris basins may be eligible, but maintenance records or surveys must be produced to show the pre-disaster capacity of these facilities. The pre-disaster level of debris in the channel or basin is of particular importance to determine the amount of newly deposited disaster-related debris. Such a facility must also have had a regular clearance schedule to be considered an actively used and maintained facility. Restoration of reservoirs to their pre-disaster capacity also may be eligible in accordance with the criteria for debris basins described above. Not all reservoirs are cleaned out on a regular basis, and evidence of pre-disaster maintenance must be provided to FEMA.

In addition, removal of debris that poses an immediate threat of clogging or damaging intake or adjacent structures may be eligible. The USACE and NRCS have primary authority for repair of flood control works, whether constructed with Federal or non-Federal funds, as well as authority over federally funded shore protective devices. Permanent repairs to these facilities are not eligible through the PA Program.

Category E: Buildings and Equipment

Buildings, including contents such as furnishings and interior systems such as electrical work, are eligible for repair or replacement. In addition to contents, public assistance may be requested for the replacement of pre-disaster quantities of consumable supplies and inventory and for the replacement of library books and publications. Removal of mud, silt, or other accumulated debris is eligible, along with any cleaning and painting necessary to restore the building.

If an insurance policy applies to a building, FEMA must take that policy into account before providing funds for restoration of the building. The owners of insurable buildings can expedite the grant process by providing FEMA with policy and settlement information as soon as possible after a disaster occurs. Detailed information on insurance is contained in Chapter 4.

FEMA may pay for upgrades that are required by certain codes and standards. An example might be roof bracing installed following a hurricane. For repairs, upgrades are limited to damaged elements only. If a structure must be replaced, the new facility must comply with all appropriate codes and standards. Refer to page 27 for details.

If a damaged building must be replaced, FEMA has the authority to pay for a building with the same capacity as the original structure. However, if the standard for space per occupant has changed since the original structure was built, FEMA will pay for construction of a larger building to the original design capacity. A Federal, State, or local agency or statute must mandate the increase in space; the increase cannot be based only on design practices for an industry or profession. FEMA will not fund additional capacity necessary due to increased population or use, even if required by code.

When museums, either publicly owned or owned by a PNP, are involved in disasters, culturally significant collections or objects may be damaged. Collections and objects in a museum, by their very nature, generally are one-of-a-kind and thus cannot be replaced. Therefore, replacement of destroyed collections or objects is not an eligible cost.

FEMA may, however, fund stabilization measures. Stabilization involves taking the minimum steps necessary to return a collection or object to a condition in which it can function in the same capacity as it did prior to the disaster. FEMA's Preservation Officer (or designer) in consultation with the applicant and the State, will use professional judgement to determine if additional treatment beyond stabilization is necessary to maintain the integrity of the collection or object and return it to its pre-disaster function.

When equipment, including vehicles, is not repairable, FEMA will approve the cost of replacement with used items that are approximately the same age, capacity, and condition. Replacement of an item with a new item may be approved only if a used item is not available within a reasonable time and distance. When a piece of applicant-owned equipment is performing eligible disaster work, extraordinary damage to the equipment that is caused by the disaster may be eligible. However, the cost of increased maintenance resulting from excess use is not eligible, because the cost of maintenance is included in FEMA's equipment rates. Damage that could have been reasonably avoided such as an accident also is not eligible. Reimbursement for the eligible damage is in addition to the applicable FEMA equipment rate being paid for the time the equipment was performing eligible work.

Category F: Utilities

Utilities include:

- water treatment plants and delivery systems;
- power generation and distribution facilities, including
- generators, substations, and power lines; and
- sewage collection systems and treatment plants.

The owner of a facility is responsible for determining the extent of damage; FEMA does not provide funds for random surveys to look for damage, such as video inspection of sewer lines. If disaster-related damage is evident, however, FEMA may pay for inspections to determine the extent of the damage and method of repair. When disaster-related damage is discovered during a random survey, inspection of the damaged section only is eligible. When evaluating the repair of damage at multiple locations in a pipeline or other continuous facility, the possibility of replacing a whole section should be investigated. If the breaks are close together, replacing the entire section may be more economical than piecemeal repair.

While FEMA will pay for restoration of damaged utilities, FEMA does not provide funds for increased operating expenses resulting from a disaster. Similarly, FEMA cannot provide funds for revenue lost if a utility is shut down. However, the cost of establishing temporary emergency services in the event of a utility shut-down may be eligible.

Category G: Parks, Recreational, and Other

Eligible publicly-owned facilities in this category include:

- playground equipment;
- swimming pools;
- bath houses;
- tennis courts;
- boat docks;
- piers;
- picnic tables; and

- golf courses.

Other types of facilities, such as roads, buildings and utilities, that are located in parks and recreational areas are also eligible and are subject to the eligibility criteria for Categories C, D, E, and F. As stated on page 16 of this guide, natural features are not eligible facilities unless they are improved and maintained. This restriction applies to features located in parks and recreational areas. Specific criteria apply to beaches and to trees and ground cover, as described below.

Beaches. Emergency placement of sand on a natural or engineered beach may be eligible when necessary to protect improved property from an immediate threat. Protection may be to a 5-year storm profile or to its pre-storm profile, whichever is less.

A beach is considered eligible for permanent repair if it is an improved beach and has been routinely maintained prior to the disaster. A beach is considered to be an “improved beach” if the following criteria apply:

- the beach was constructed by the placement of sand to a designed elevation, width, grain size, and slope; and
- the beach has been maintained in accordance with a maintenance program involving the periodic re-nourishment of sand at least every 5 years.

Typically, FEMA will request the following from an applicant before approving assistance for permanent restoration of a beach:

- design documents and specifications, including analysis of grain size;
- “as-built” plans;
- documentation of regular maintenance or nourishment of the beach; and
- pre- and post-storm cross sections of the beach.

Permanent restoration of sand on natural beaches is not eligible.

Trees and Ground Cover. The replacement of trees, shrubs, and other ground cover is not eligible. This restriction applies to trees and shrubs in recreational areas, such as parks, as well as trees and shrubs associated with public facilities, such as those located in the median strips along roadways and as landscaping for public buildings. Grass and sod are eligible only when necessary to stabilize slopes and minimize sediment runoff.

This restriction does not affect removal of tree debris or the removal of trees as an emergency protective measure. FEMA will reimburse for the removal of tree debris and the removal of trees as emergency protective measures if the removal eliminates an immediate threat to lives, public health and safety, and improved property, or if removal is necessary to ensure the economic recovery of the affected community to the benefit of the community-at-large.

However, FEMA will not reimburse for the replacement of these trees.

(Excerpt from the Public Assistance Guide)